

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HARRY SAMUEL,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-037-SLR
)	
THOMAS CARROLL (WARDEN),)	
et al.,)	
)	
Defendants.)	

ORDER

WHEREAS, plaintiff Harry Samuel, SBI #201360, a prisoner incarcerated at Delaware Correctional Center, Smyrna, Delaware, filed a complaint pursuant to 42 U.S.C. § 1983. Plaintiff is pro se and was granted permission to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

WHEREAS, two services orders were issued: one on September 26, 2005 (D.I. 23) and the other on November 16, 2005 (D.I. 36), allowing plaintiff to proceed on two-health related claims and dismissing as frivolous a classification claim and conditions of confinement claim;

WHEREAS, in the second service order, the Court denied plaintiff's motion to reconsider dismissal of the classification claim and conditions of confinement claim (D.I. 36), and on December 2, 2005, the Court denied plaintiff's second motion to reconsider dismissal of the classification claim (D.I. 40);

WHEREAS, on November 29, 2005, plaintiff filed a motion to

amend the complaint. The filing reiterates plaintiff's health related claim against defendants First Correctional Medical and Rob Young and appears to attempt to reinstate the dismissed conditions of confinement claim;

THEREFORE, at Wilmington this 14th day of December, 2005, IT IS ORDERED that:

1. The plaintiff's Motion to Amend Complaint is **DENIED**. Plaintiff is advised that the Court will not consider motions to amend or reinstate the conditions of confinement claim.

2. The Clerk of the Court shall cause a copy of this order to be mailed to the plaintiff.



United States District Judge